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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
08/621,725	03/21/1996	PAUL V. LEHMANN	CASE-02138	1344

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EXAMINER

SCHWADRON, RONALD B

ART UNIT	PAPER NUMBER
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1644

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Please find below and/or attached an Office communication concerning this application or proceeding.



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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.

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Please find below a communication from the EXAMINER in charge of this application

The MPEP section 819 (August 2001, page 800-60) states:

Office Generally Does Not Permit Shift

The general policy of the Office is not to permit the applicant to shift to claiming another invention after an election is once made and action given on the elected subject matter. Note that the applicant cannot, as a matter of right, file a request for continued examination (RCE) to obtain continued examination on the basis of claims that are independent and distinct from the claims previously claimed and examined (i.e., applicant cannot switch inventions by way of an RCE as a matter of right). When claims are presented which the examiner holds are drawn to an invention other than the one elected, he or she should treat the claims as outlined in MPEP § 821.03.

The amendment filed on 5/8/2002 amending all claims drawn to the elected invention and presenting only claims drawn to a non-elected invention is non-responsive (MPEP § 821.03). The remaining claims are not readable on the elected invention because of the following reasons.

The invention of previously pending claims 1 and 25 (Group I) were drawn to a method for immunizing a human, classified in Class 424, subclass 184.1.

The invention of amended claim 1 and 25 (Group II) is drawn to a method of monitoring immunization wherein Th1 or Th2 cells are detected, classified in Class 435, subclass 7.24. The invention of claims 26-45 (Group III) is drawn to a method of monitoring immunization using an ELISA sandwich assay, classified in class 435, subclass 7.94.

The invention of Group I is drawn to an in vivo method of treatment, whilst the inventions of Groups II and III are drawn to two different methods for monitoring immunization.

Since the above-mentioned amendment appears to be a *bona fide* attempt to reply, applicant is given a TIME PERIOD of ONE (1) MONTH or THIRTY (30) DAYS, whichever is longer, from the mailing date of this notice within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME

PERIOD UNDER 37 CFR 1.136(a) ARE AVAILABLE.

Any inquiry concerning this communication should be directed to Examiner Ron Schwadron, Ph.D., Art Unit 1644, whose telephone number is (703) 308-4680. Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center receptionist whose telephone number is (703) 308-0196.

RONALD B. SCHWADRON
PRIMARY EXAMINER
GROUP 1800 (bw)

A handwritten signature in black ink, appearing to read 'Ron Schwadron', written in a cursive style.

Ron Schwadron, Ph.D.
Art Unit 1644